HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION No. 12090 OF 2006

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Between:

A.P. Pollution Control Board,
Paryavaran Bhavan, A-3,
Industrial Estate, Sanath Nagar,
Hyderabad, rep. by its Member Secretary

……Petitioner

And

M/s. J.K.Batteries,
7-3-122/7, Old Kurnool Road,
Kattedan, Hyderabad, Reptd. by its
Manager Sri P.K. Sharma
and three others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri S.V. Bhatt

Counsel for the Respondents : None

Dated: 11-07-2006

Per G.S. SINGHVI, CJ

In this petition filed under Article 226 of the Constitution, the Andhra Pradesh Pollution Control Board (for short 'the Board) has prayed for setting aside a portion of order dated
16-5-2006 vide which the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 (for short 'the Water Act') and Air (Prevention and Control of Pollution) Act, 1981 (for short 'the Air Act') dismissed the appeal filed by respondent No.1 against the closure order but granted liberty to it to continue to operate for a period of three months.

Notice of the writ petition has been served on respondent No.1 but neither any counter has been filed nor any one has appeared on its behalf to contest the prayer made in the writ petition.

Sri Bhatt, learned counsel for the petitioner says that the issue raised in this petition is identical to one decided by the Court in Writ Petition No.11208 of 2006 and batch.

We have gone through order dated 30-6-2006 passed in Writ Petition No. 11208 of 2006 and are convinced that this writ petition deserves to be allowed in similar terms. Ordered accordingly. The detailed reasons recorded in order dated
30-06-2006 passed in Writ Petition No.11208 of 2006 shall be read as part of this order.

G.S.SINGHVI, CJ

G.V. SEETHAPATHY,J

11-07-2006
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